

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DAVID M. BENZION,

Plaintiff,

vs.

OASIS STAFFING, a Florida corporation,

Defendant.

8:17CV223

ORDER

This matter is before the Court following a telephone conference with counsel for the parties. Defendant requested the conference prior to filing a motion to compel due to Plaintiff's failure to serve complete and timely responses to Defendant's written discovery requests. Prior to the conference, counsel for Plaintiff moved to withdraw from her representation of Plaintiff. In accordance with the discussion held with the Court and counsel during the telephone conference,

IT IS ORDERED:

1. The Motion to Withdraw as Plaintiff's Counsel ([Filing No. 19](#)) filed by Terry White is granted.
2. Ms. White shall immediately serve a copy of this Order on Plaintiff and thereafter file proof of service showing compliance with this Order, listing the name and address of the person to whom notice was sent. Ms. White will not be relieved of applicable duties to the Court, Plaintiff, and opposing counsel until proof of service is filed.
3. Upon filing of proof of service pursuant to Paragraph 2 of this Order, Plaintiff will be deemed to be proceeding *pro se*, that is, without the assistance of counsel, unless substitute counsel enters a written appearance on his behalf. If substitute counsel does not enter a written appearance, Plaintiff shall provide the Clerk of Court his current address and telephone number **within five days of being served with this Order**.
4. Plaintiff may retain substitute counsel at any time. However, until such time as substitute counsel enter a written appearance, Plaintiff must comply with all case progression deadlines, orders of this Court, the Federal Rules of Civil Procedure, and the Local Rules of Practice. Failure to comply with these requirements may result in the imposition of sanctions, including payment of costs, attorneys' fees, and/or dismissal of the case.

5. Upon Ms. White's submission of proof of service as described in Paragraph 2 of this Order, her appearance as counsel of record for Plaintiff will be terminated, and the Clerk of Court shall terminate electronic notice to her in this case.
6. **On or before February 23, 2018**, Plaintiff shall provide to Defense counsel **full and complete responses** to the Defendant's written discovery requests that were first served on October 17, 2017. Defendant may file a motion to compel if Plaintiff fails to do so. If such a motion to compel is granted by the Court, the Court may impose sanctions on Plaintiff pursuant to Federal Rule of Civil Procedure 37, including a recommendation that this action be dismissed.

Dated this 1st day of February, 2018.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge